IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3270 of 2005

Between:

1. Mohd Nasir Ahmed @ Mohammad @ Javid S/o.Khalid,
   R/o.Bhupalpally Village & Mandal, Warangal District.
2. Mohd.Wajeed S/o.Khalid,
   R/o.Bhupalpally Village & Mandal, Warangal District.
3. Mohd. Sajeed, S/o.Khalid,
   R/o.Bhupalpally Village & Mandal, Warangal District.
4. Mohd.Jakeer, S/o.Khalid,
   R/o.Bhupalpally Village & Mandal, Warangal District.
5. Smt.Ghousia Bee, W/o.Late Kalid,
   R/o.Bhupalpally Village & Mandal, Warangal District.

... PETITIONERS

AND

1 The Revenue Divisional officer, Manthani Karimnagar District.
2 The Mandal Revenue officer, Bhupal Pally, Warangal District.
3 The Singareni Colleries Company Limited, Bhupalpally, rep.by its General Manager, Warangal Dist.
4 Gone Rajasimha Rao, S/o.Late Venkata Muthyam Rao,
R/o.H.No.6-1-68/1, Indaram House, Saifabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ declaring the action of the respondents in trying to deprive the petitioners of their land measuring 2 acres 35 gts., of land in sy.No.262 of Bhupalapally village and Mandal, Warangal is illegal, arbitrary, and violative of Article 300-A of Constitution of India.

Counsel for the Petitioners: MR.A.RAJASEKHAR REDDY

Counsel for the Respondents 1 & 2: GP FOR REVENUE

Counsel for the respondent No.3: Nandigama Krishna Rao, S.C. for Singareni Colleries

The Court at the stage of admission made the following:

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ORDER:

Heard the learned counsel for the petitioners and perused the material on record.

On the basis of the allegations made in the affidavit filed in support of the writ petition, no case is made out to show that the alleged action of the respondents is in breach of any statutory obligation. On the face of it, the matter appears to be a dispute relating to property rights between the parties.

Hence, the petitioners ought to have availed common law remedy and this writ petition under Article 226 of the Constitution of India is not maintainable.

Accordingly, granting leave and liberty to the petitioners to work out the appropriate remedy for redressal of their grievance, the writ petition is dismissed. No order as to costs.

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G. ROHINI, J

Dated: 23-02-2005

LSK

ASSISTANT REGISTRAR

To

1 The Revenue Divisional officer, Manthani Karimnagar District.
2 The Mandal Revenue officer, Bhupal Pally, Warangal District.
3 The Singareni Colleries Company Limited, Bhupalpally, rep.by its General Manager, Warangal Dist.
4 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5 Two C.D. copies.